

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Brandon Starkweather,)	C/A No.: 1:19-261-TLW-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Captain Marvin Nix; Southern)	
Health Partners; and Jennifer)	
Hairsine,)	
)	
Defendants.)	
)	


Brandon Starkweather (“Plaintiff”), proceeding pro se, brought this action alleging violations of his constitutional rights by Captain Marvin Nix (“Nix”), Southern Health Partners (“SHP”), and Jennifer Hairsine (“Hairsine”) (collectively “Defendants”). On August 13, 2019, the undersigned issued a Report and Recommendation (“Report”) recommending that SHP and Hairsine’s motion to dismiss be granted, but that Plaintiff be given until September 3, 2019, to file an amended complaint. Plaintiff has failed to file objections to the Report or to file an amended complaint. Thus, it appears that he does not oppose the dismissal of SHP and Hairsine and does not wish to add additional defendants.

On August 13, 2019, Defendant filed a motion for summary judgment. [ECF No. 93]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him

of the importance of the motion and of the need for him to file an adequate response by September 16, 2019. [ECF No. 93]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to Defendant's motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to the motion for summary judgment by October 3, 2019. Plaintiff is further advised that if he fails to respond, the undersigned will recommend that this action be dismissed for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



September 19, 2019
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge